IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 45 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAWANSING BALUSING

Versus

STATE OF GUJARAT

Appearance:

MS.SUBHADRA PATEL for Petitioner

MS.HANSA B PUNANI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/01/2000

ORAL JUDGEMENT

#. Rule. Ms.Hansa B. Punani waives service of Rule on behalf of respondent. Heard the learned counsel for the parties.

#. The petitioner applied for parole leave on the ground

of marriage of his daughter which is fixed on 21.2.2000. This application came to be rejected by the District Magistrate, Vadodara, under the impugned order dated 10.1.2000.

#. One of the grievance is made that no reason has been given for rejection of this application. I find sufficient merits in this contention. It is in fact a printed form in which something has been filled in by pen and it can be termed as an order without application of mind. The special criminal application is disposed of in the terms that the District Magistrate, Vadodara, shall pass a fresh order and where he is not accepting the application of the petitioner for grant of parole, reasons are to be recorded and said order may be communicated to the petitioner forthwith. This matter has to be decided within ten days from the date of receipt of writ of this order. In case of difficulty liberty is granted to the petitioner for revival of this special criminal application. The special criminal application and Rule stand disposed of accordingly with no order as to costs.

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[sunil]